

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONALD RAGLAND,

Petitioner,

v.

WAYNE CARPENTER, Warden,

Respondent.

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No. 3:14-mc-0001

Judge Todd Campbell

ORDER

Donald Ragland, a state prisoner who, based on his return address, appears to be incarcerated at Riverbend Maximum Security Institution in Nashville, Tennessee, has submitted a document titled "Request for Appearance and/or Permission to Proceed in the District Court on a Federal Habeas Corpus Under Extraordinary Circumstances." (ECF No. 1.) The Court liberally construes this document as a habeas corpus petition under § 2254. Because a habeas petition under § 2254 must be directed to the person who has custody of the petitioner, the Court construes the respondent to be Wayne Carpenter, Warden of RMSI.

Rule 2 of the Rules Governing § 2254 Cases states that a habeas petition must substantially follow the form appended to the Rules or a form prescribed by local rule of court. The petition submitted by the petitioner does not substantially follow the form appended to the Rules. Also under Rule 2, a habeas corpus petition must be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner. The petition submitted in this case is signed, but it was not signed under penalty of perjury.


Finally, the petition was not accompanied either by the required \$5.00 filing fee, or by an Application to Proceed *in Forma Pauperis* (without prepaying costs and fees). This Court may not review or consider a § 2254 habeas petition unless the petitioner has either submitted the filing fee or been granted leave to proceed without prepayment of fees and costs.

Accordingly, the Clerk is **DIRECTED** to send to the petitioner a blank § 2254 form, a blank Application to Proceed *in Forma Pauperis*, and a copy of Administrative Order 93. The petitioner is hereby **DIRECTED** to submit to the Court his completed and signed (amended) habeas corpus petition, along with either the \$5.00 filing fee or the completed Application to Proceed *in Forma Pauperis*, within **30 DAYS** from the date

of entry of this order on the docket. The petitioner's submissions must include the temporary docket number assigned to this case (**3:14-mc-0001**).

The plaintiff is forewarned that, should he fail to comply with the instructions of the Court within the specified time frame, this action will be dismissed for failure to comply with the instructions of the Court and for want of prosecution. Fed. R. Civ. P. 41(b).

It is so **ORDERED**.



Todd Campbell
United States District Judge